

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No: 09/994,335
Applicant: Junji Nagaoka et al.
Filed: November 26, 2001
Title: OPTICAL DISK APPARATUS, METHOD FOR CALCULATION OF
AMOUNT OF LENS SHIFT, PROGRAM AND MEDIUM
TC/A.U.: 2655
Examiner: J. L. Ortiz Criado
Confirmation: 7419
Docket No.: MTS-3288US

RECEIVED

JUL 13 2004

Technology Center 2600

RESPONSE TO RESTRICTION REQUIREMENT

Mail Stop Amendment

Commissioner of Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Restriction Requirement dated **June 9, 2004**, takes the position that the claims are directed to patentably distinct species of the claimed invention:

- a. Figure 1
- b. Figure 5
- c. Figure 8

The Restriction Requirement also states that claim 1 is a generic claim.

In response to the Restriction Requirement, Applicants elect Species (a) directed to Figure 1, which includes claims 1-5 and 9-16. Applicants agree that claim 1 is a generic claim.

Applicants, however, traverse the Restriction Requirement. Claims 6 and 7 correspond to Species (b) of Figure 5, and claim 8 corresponds to Species (c) of Figure 8. But claims 6-8 of Species (b) and (c) are indirectly dependent on claim 1. In view of this dependency, all pending claims (claims 1-16) should be presently examined, and the Restriction Requirement withdrawn.

Early examination and allowance of all pending claims are respectfully requested.

Respectfully submitted,

Daniel N. Calder

Allan Ratner, Reg. No. 19,717
Daniel N. Calder, Reg. 27,424
Attorneys for Applicants

DNC/fp

Dated: July 2, 2004

Suite 301, One Westlakes, Berwyn
P.O. Box 980, Valley Forge, PA 19482
(610) 407-0700

The Commissioner for Patents is hereby authorized to charge payment to Deposit Account No. **18-0350** of any fees associated with this communication.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450 on:

July 2, 2004

John Petrucci



2655 41

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	09/994,335
	Filing Date	November 26, 2001
	First Named Inventor	Junji Nagaoka et al.
	Art Unit	2655
	Examiner Name	J. L. Ortiz Criado
Total Number of Pages in This Submission 2	Attorney Docket No.	MTS-3288US

ENCLOSURES (Check all that apply)			
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/Declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Return Postcard; Response to Restriction Requirement	RECEIVED JUL 13 2004 Technology Center 2600
SIGNATURE OF APPLICANT, ATTORNEY OR AGENT			
Firm or Individual	Daniel N. Calder	Registration No. (Attorney/Agent)	27,424
Signature	<i>Daniel N. Calder</i>		
Date	July 2, 2004		

CERTIFICATE OF TRANSMISSION / MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this date:			
		July 2, 2004	
Name (Print/Type)	Fran Petrillo		
Signature	<i>Fran Petrillo</i>	Date	July 2, 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: COMMISSIONER FOR PATENTS, P.O. Box 1450, ALEXANDRIA, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.